

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 21-10984-RGS

WILSON PENA, JR.,

v.

SERGIO CACIOPPO, et al.

ORDER

December 1, 2021

STEARNS, D. J.

Now before the court is plaintiff Wilson Pena, Jr.'s *pro se* motion for the appointment of counsel. Dkt. #19. There is no constitutional right to appointed counsel in a civil case. *See DesRosiers v. Moran*, 949 F.2d 15, 24 (1st Cir. 1991). Although returns of service were filed by the United States Marshals Service (USMS) for service of the Complaint on defendants Dean Gray and Officer McGurn, *see* Dkt. #14, #15, the USMS remarked that defendant Sergio Cacioppo no longer works at the Souza Baranowski Correctional Center. Dkt. #16. As defendants have yet to file responses to Pena's Complaint, the court finds that he has not demonstrated that appointment of counsel is warranted. Accordingly, it is ORDERED that

1. Plaintiff's motion (D. 19) for the appointment of counsel is DENIED.

2. The Clerk shall reissue a summons for service of defendant Sergio Cacioppo.
3. Defendants Cacioppo, Gray and McGurn are required to file a response to the complaint after service is effectuated. *See* 42 U.S.C. § 1997e(g)(2).
4. The Clerk shall send a copy of this Order, the reissued summons and a copy of plaintiff's Complaint to the Legal Division of the Department of Correction, Attn: General Counsel, 70 Franklin Street, Suite 600, Boston, MA 02110.
5. The court requests DOC's General Counsel to file a notice, within 21 days of the date of this Order, advising the court, under seal, the last-known address for defendant Sergio Cacioppo, or alternatively, whether General Counsel (with Cacioppo's permission) agrees to accept service on Cacioppo's behalf.

SO ORDERED.

/s/ RICHARD G. STEARNS  
UNITED STATES DISTRICT JUDGE